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MANAGEMENT BULLETIN #005

TO: Owners/Agents of IFA Section 8 Properties
FROM: Roger Brown, Director, Section 8 Contract Administration
DATE: 11 February 2003
SUBJECT: Notice of Certain Operating Cost Adjustment Factors for Fiscal Year 2003

The attached notice was printed in the Federal Register, vol. 68, no. 13, Tuesday, January 21, 2003. This notice provides for public publication of the 2003 Operating Cost Adjustment Factors (OCAFs) for Section 8 rent adjustments at contract renewal

These OCAF adjustments will be applied by the IFA in determining the Section 8 subsidy renewal contracts for all affected renewals with an effective date on or after 11 February 2003, in accordance with the directives included in the notice below and with outstanding contract renewal policy previously issued by HUD.

Please feel free contact your IFA Asset Specialist or your HUD Project Manager should you have any questions pertaining to the attached Federal Register notice.

consultation with the FDA and experts in pediatric research shall develop, prioritize, and publish an annual list of certain approved drugs for which pediatric studies are needed. For inclusion on the list, an approved drug must meet the following criteria: (1) There is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)); (2) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act; (3) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or (4) there is a referral for inclusion on the list under section 505A(d)(4)(c); and additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

The BPCA further stipulates that in developing and prioritizing the list, the NIH shall consider, for each drug on the list: (1) The availability of information concerning the safe and effective use of the drug in the pediatric population; (2) whether additional information is needed; (3) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and (4) whether reformulation of the drug is necessary.

In developing this initial list, the NIH consulted with the FDA, the American Academy of Pediatrics, the United States Pharmacopoeia and other experts in pediatric research. A preliminary list of off-patent drugs was drafted and categorized as a function of indication and use. The drugs were then prioritized based on frequency of use in the pediatric population, severity of the condition being treated, and potential for providing a health benefit in the pediatric population.

Following is the list of drugs for which pediatric studies are most urgently needed:

Azithromycin
Baclofen
Bumetanide
Dobutamine
Dopamine
Furosemide
Heparin
Lithium
Lorazepam
Rifampin
Sodium Nitroprusside
Spironolactone

Dated: January 9, 2003.

Ruth L. Kirschstein,
Deputy Director, NIH.

[FR Doc. 03-1250 Filed 1-17-03; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4820-N-02]

Notice of Proposed Information Collection: Comment Request; Builder's Certification of Plans, Specifications, and Site

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: March 24, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Plaza Building, Room 8003, Washington, DC 20410 or Wayne_Eddins@hud.gov.

FOR FURTHER INFORMATION CONTACT: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708-2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of

information technology, e.g., permitting electronic submission of responses.

This Notice also list the following information:

Title of Proposal: Builder's Certification of Plans, Specifications, and Site.

OMB Control Number, if applicable: 2502-0496.

Description of the need for the information and proposed use: HUD requires the builder to complete the certification (form HUD-92541) noting adverse site/location factor(s) of the property, including Floodplains. This certification is necessary so that HUD does not insure a mortgage on property that poses a risk to health or safety of the occupant.

Agency form numbers, if applicable: HUD-92541.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 16,400; the number of respondents is approximately 800 generating approximately 65,600 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response varies from 5 minutes to 10 minutes.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: January 13, 2003.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 03-1223 Filed 1-17-03; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4728-N-02]

Notice of Certain Operating Cost Adjustment Factors for Fiscal Year 2003

AGENCY: Office of the Secretary, HUD.

ACTION: Publication of the 2003 Operating Cost Adjustment Factors (OCAFs) for Section 8 rent adjustments at contract renewal under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA), as amended by the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act of 1999, and under the Low-Income Housing Preservation and

Resident Homeownership Act of 1990 (LIHPRHA) Projects assisted with Section 8 Housing Assistance Payments.

SUMMARY: This notice establishes annual factors used in calculating rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA) as amended by the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act of 1999, and under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA).

EFFECTIVE DATE: February 11, 2003.

FOR FURTHER INFORMATION CONTACT: Regina Aleksiewicz, Housing Project Manager, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, Office of Multifamily Housing, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-3000; extension 2600 (This is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Operating Cost Adjustment Factors (OCAFs)

Section 514(e)(2) of the FY 1998 HUD Appropriations Act, requires HUD to establish guidelines for rent adjustments based on OCAF. The legislation requiring HUD to establish OCAFs for LIHPRHA projects and projects with contract renewals under section 524 of MAHRA is similar in wording and intent. HUD has therefore developed a single factor to be applied uniformly to all projects utilizing OCAFs as the method by which rents are adjusted.

Additionally, section 524 of the Act gives HUD broad discretion in setting OCAFs—referring simply to “operating cost factors established by the Secretary.” The sole exception to this grant of authority is a specific requirement that application of an OCAF shall not result in a negative rent adjustment. OCAFs are to be applied uniformly to all projects utilizing OCAFs as the method by which rents are adjusted upon expiration of the term of the contract. OCAFs are applied to project contract rent less debt service.

An analysis of cost data for FHA-insured projects showed that their operating expenses could be grouped into nine categories: wages, employee benefits, property taxes, insurance, supplies and equipment, fuel oil, electricity, natural gas, and water and

sewer. Based on an analysis of these data, HUD derived estimates of the percentage of routine operating costs that were attributable to each of these nine expense categories. Data for projects with unusually high or low expenses due to unusual circumstances were deleted from analysis.

States are the lowest level of geographical aggregation at which there are enough projects to permit statistical analysis. Additionally, no data were available for the Western Pacific Islands. Data for Hawaii was therefore used to generate OCAFs for these areas.

The best current measures of cost changes for the nine cost categories were selected. The only categories for which current data are available at the state level are for fuel oil, electricity, and natural gas. Current price change indices for the other six categories are only available at the national level. The Department had the choice of using dated state-level data or relatively current national data. It opted to use national data rather than data that would be two or more years older (e.g., the most current local wage data are for 1996). The data sources for the nine cost indicators selected were as follows:

Labor Costs—6/01 to 6/02 Bureau of Labor Statistics (BLS), “Employment Cost Index, Private Sector Wages and Salaries Component at the National Level.”

Employment Benefit Costs—6/01 to 6/02 Bureau of Labor Statistics (BLS) Employment Cost Index, Employee Benefits at the National Level.

Property Taxes—6/01 to 6/02 BLS Consumer Price Index, All Items Index.

Goods, Supplies, Equipment—6/01 to 6/02 BLS Producer Price Index, Finished Goods Less Food and Energy.

Insurance—6/01 to 6/02 BLS Consumer Price Index, Tenant and Household Residential Insurance Index.

Fuel Oil—Energy Information Agency, 2000 to 2001 annual average state prices for #2 distillate residential fuel oil (U.S. average change was used for states with too little fuel oil consumption to have values).

Electricity—Energy Information Agency, 2000 to 2001 annual average residential electric prices per Kilowatt-hour.

Natural Gas—Energy Information Agency, 2000 to 2001 annual average Natural Gas prices.

Water and Sewer—6/01 to 6/02 BLS Consumer Price Index Detailed Report.

The sum of the nine cost components equals 100 percent of operating costs for purposes of OCAF calculations. To calculate the OCAFs, the selected inflation factors are multiplied by the relevant state-level operating cost

percentages derived from the previously referenced analysis of FHA insured projects. For instance, if wages in Virginia comprised 50 percent of total operating cost expenses and wages increased by 4 percent from June 2001 to June 2002, the wage increase component of the Virginia OCAF for 2003 would be 2.0 percent ($4\% \times 50\%$). This 2.0 percent would then be added to the increases for the other eight expense categories to calculate the 2002 OCAF for Virginia. These types of calculations were made for each state for each of the nine cost components, and are included as the Appendix to this Notice.

II. MAHRA and LIHPRHA OCAF Procedures

The Multifamily Assisted Housing Reform and Affordability Act of 1997 (title V of Pub. L. 105-65, approved October 7, 1997; 42 U.S.C. 1437f note (MAHRA)) as amended by the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act of 1999, created the Mark-to-Market Program to reduce the cost of federal housing assistance, enhance HUD's administration of such assistance, and to ensure the continued affordability of units in certain multifamily housing projects. Section 524 of MAHRA authorizes renewal of Section 8 project-based assistance contracts for projects without Restructuring Plans under the Mark-to-Market Program, including renewals that are not eligible for Plans and those for which the owner does not request Plans. Renewals must be at rents not exceeding comparable market rents except for certain projects. For Section 8 Moderate Rehabilitation projects, other than single room occupancy projects (SROs) under the Stewart B. McKinney Homeless Assistance Act (McKinney Act, 42 U.S.C. 11301 *et seq.*), that are eligible for renewal under section 524(b)(3) of MAHRA, the renewal rents are required to be set at the lesser of: (1) The existing rents under the expiring contract, as adjusted by the OCAF; (2) fair market rents (less any amounts allowed for tenant-purchased utilities; or (3) comparable market rents for the market area.

The Low-Income Housing Preservation and Resident Homeownership Act of 1990 (“LIHPRHA”) (see, in particular, section 222(a)(2)(G)(i) of LIHPRHA, 12 U.S.C. 4112(a)(2)(G) and the regulations at 24 CFR 248.145(a)(9)) requires that future rent adjustments for LIHPRHA projects be made by applying an annual factor to be determined by the Secretary to the portion of project rent attributable to

operating expenses for the project and, where the owner is a priority purchaser, to the portion of project rent attributable to project oversight costs.

III. Findings and Certifications

Environmental Impact

This issuance sets forth rate determinations and related external administrative requirements and procedures that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

This final rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of Executive Order 13132 (entitled "Federalism").

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this program is 14.187.

Dated: January 14, 2003.

Mel Martinez,
Secretary.

OPERATING COST ADJUSTMENT FACTORS FOR 2003

State	2003 OCAFS
Alabama	2.5%
Alaska	2.9%
Arizona	1.8%
Arkansas	3.0%
California	2.9%
Colorado	3.7%
Connecticut	3.3%
Delaware	1.5%
Dist. of Columbia	3.7%
Florida	3.0%
Georgia	2.6%
Hawaii	2.0%
Idaho	2.5%
Illinois	2.9%
Indiana	2.7%
Iowa	2.8%
Kansas	3.4%
Kentucky	3.2%
Louisiana	2.8%
Maine	1.2%
Maryland	2.6%
Massachusetts	4.7%
Michigan	2.3%
Minnesota	3.0%
Mississippi	2.8%
Missouri	3.1%
Montana	3.9%

OPERATING COST ADJUSTMENT FACTORS FOR 2003—Continued

State	2003 OCAFS
Nebraska	3.2%
Nevada	3.4%
New Hampshire	3.0%
New Jersey	1.9%
New Mexico	3.9%
New York	2.4%
N. Carolina	2.2%
N. Dakota	2.7%
Ohio	3.0%
Oklahoma	3.2%
Oregon	2.0%
Pennsylvania	4.2%
Rhode Island	3.9%
S. Carolina	2.3%
S. Dakota	3.5%
Tennessee	2.3%
Texas	3.5%
Utah	3.4%
Vermont	2.3%
Virginia	2.9%
Washington	2.8%
W. Virginia	1.9%
Wisconsin	2.6%
Wyoming	3.9%
Pacific Islands	3.3%
Puerto Rico	2.5%
Virgin Islands	2.0%
U.S. Average	3.0%

[FR Doc. 03-1224 Filed 1-17-03; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Extension of Public Comment Period and Notice of Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Briargate Development, El Paso County, CO

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability and
receipt of application; extension of
public comment period.

SUMMARY: This notice advises the public that La Plata Investments, LLC (Applicant) has applied to the Fish and Wildlife Service (Service) for an Incidental Take Permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue a 30-year permit to the Applicant that would authorize the incidental take of the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's), federally

listed as threatened, and loss and modification of its habitat associated with construction of a residential and commercial development in El Paso County, Colorado. The permit application includes a combined Environmental Assessment/Habitat Conservation Plan (Plan), which is available for public review and comment. We previously published a notice requesting comment on this proposal on November 22, 2002 (67 FR 70453). We received a request to extend the comment period and are hereby granting that request for an additional 30 days. Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in our final decision on the Plan. Comments submitted during this comment period also will be incorporated into the public record and will be fully considered. All comments on the Plan and permit application will become part of the administrative record and will be available to the public.

DATES: Written comments on the permit application and plan should be received on or before February 20, 2003.

ADDRESSES: Comments regarding the permit application or the Plan should be addressed to LeRoy Carlson, Field Supervisor, Colorado Ecological Services Field Office, U.S. Fish and Wildlife Service, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215, or by facsimile to 303-275-2371. Comments and materials received, as well as supporting documentation used in preparation of this proposed rule, may be viewed, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service's Colorado Field Office.

FOR FURTHER INFORMATION CONTACT: Kathleen Linder, Fish and Wildlife Biologist, Colorado Field Office, at the above address or telephone 303-275-2370.

SUPPLEMENTARY INFORMATION:

Document Availability

Individuals wishing copies of the Plan and associated documents for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Act and Federal regulation prohibits the "take" of a species listed as endangered or threatened. However, the Service may issue permits to authorize "incidental take" (defined by the Act as take that is